ORDINANCE NO. 98 - 54

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING A SMALL SCALE AMENDMENT **98-SCA 78 COM 1 (CONGRESS PARK OFFICE)**; MODIFYING PAGE 78 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 6.50 ACRES GENERALLY LOCATED ON THE SOUTH SIDE OF MELALEUCA LANE, APPROXIMATELY 0.15 OF A MILE WEST OF CONGRESS AVENUE FROM HIGH RESIDENTIAL 8 (HR-8) TO COMMERCIAL LOW OFFICE WITH AN UNDERLYING HIGH RESIDENTIAL 8 (CL-O/8); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on May 22, 1998 to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes;

and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on October 22, 1998 to review the recommendations of the Local Planning Agency and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment complies with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Land Use Element's Future Land Use Atlas is hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 78 is amended as follows:

Application No.:	**98 - SCA 78 COM 1 (Congress Park Office)**
Amendment:	From High Residential 8 (HR-8) to Commercial Low Office with an underlying High Residential 8 (CL-O/8);
General Location:	South side of Melaleuca Lane, approximately 0.15 of a mile west of Congress Avenue;
Size:	6.50 acres

B. The amendment is subject to the following condition:

1. That the platted 30 foot right-of-way bisecting the site shall be abandoned prior to final site plan approval by the Development Review Committee (DRC).

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

This amendment shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the amendment is in compliance.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 22 day of October, 1998.

ATTEST:
DOROTHY H. WILKEN, Clerk

By: _____
Deputy Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By _____
Chair

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY FLORIDA

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

_____
COUNTY ATTORNEY

Filed with the Department of State on the 29th day of October, 1998.

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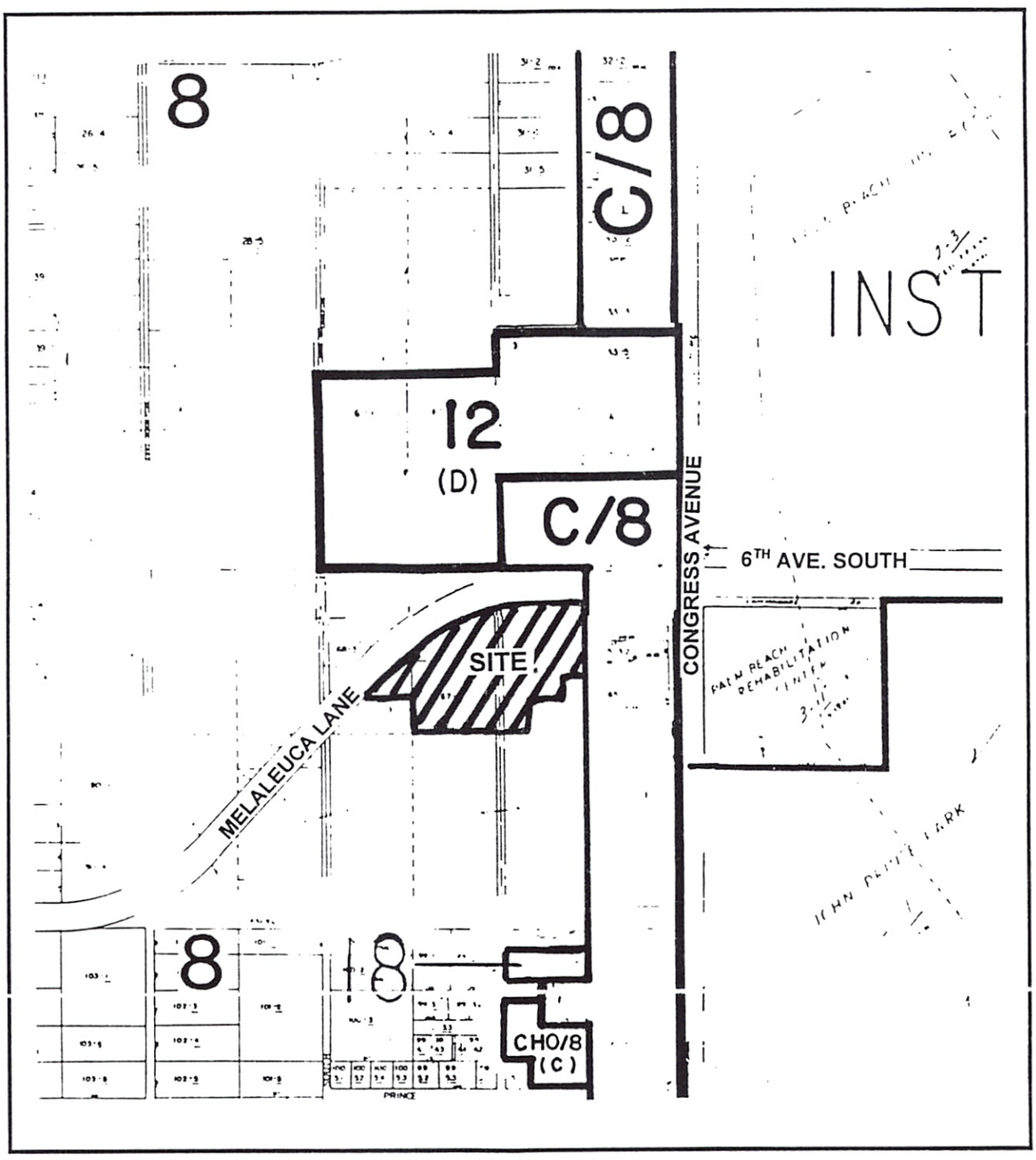
EXHIBIT 1

Future Land Use Atlas page 78 is amended as follows:

Amendment No.:	**98 - SCA 78 COM 1 (Congress Park Office)**
Location:	South side of Melaleuca Lane, approximately 0.15 of a mile west of Congress Avenue
Size:	6.50 acres
Original FLU:	High Residential 8 (HR-8)
Adopted FLU:	Commercial Low Office with an underlying High Residential 8 (CL-O/8)
Property No.:	00-43-44-30-01-067-0040 00-43-44-30-01-067-0210 00-43-44-30-01-068-0030 00-43-44-30-01-066-0020
Legal Description:	See attached



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Legal Description:

BEING PORTIONS OF LOTS B, C, D, AND E, BLOCK 67, AND LOTS C AND D, BLOCK 68, PALM BEACH FARMS CO. PLAT NO. 7, AS RECORDED IN PLAT BOOK 5, PAGE 72, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST; THENCE SOUTH 01°24'23" WEST (STATE PLANE GRID BEARING DATUM) ALONG THE EAST LINE OF SECTION 30, A DISTANCE OF 129.00 FEET; THENCE NORTH 87°50'45" WEST, 332.40 FEET TO THE EAST LINE OF LOT A, SAID BLOCK 66; THENCE SOUTH 01°24'43" WEST ALONG SAID EAST LINE 312.53 FEET TO THE NORTH LINE OF THE SOUTH 102.29 FEET OF LOT D, BLOCK 66; THENCE NORTH 87°48'23" WEST ALONG SAID NORTH LINE, 50.00 FEET; THENCE SOUTH 01°24'43" WEST ALONG THE WEST LINE OF THE EAST 50 FEET OF LOT D, BLOCK 66, A DISTANCE OF 102.25 FEET TO THE SOUTH LINE OF LOT D; THENCE NORTH 87°47'34" WEST ALONG SAID LINE, 117.62 FEET; THENCE SOUTH 01°25'03" WEST ALONG THE EAST LINE OF THE WEST 150 FEET OF LOT E, BLOCK 66, A DISTANCE OF 135.91 FEET TO THE SOUTH LINE OF LOT E; THENCE NORTH 87°46'46" WEST ALONG THE SOUTH LINE OF LOT E, BLOCK 66, A DISTANCE OF 180.01 FEET TO THE SOUTHEAST CORNER OF LOT E, BLOCK 67, BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87°46'46" WEST, ALONG THE SOUTH LINE OF LOT E, BLOCK 66, A DISTANCE OF 317.65 FEET TO THE WEST LINE OF LOT E, SAID BLOCK 67; THENCE NORTH 01°25'23" EAST ALONG SAID LINE, 135.79 FEET TO THE SOUTHEAST CORNER OF LOT D, SAID BLOCK 68; THENCE NORTH 87°47'34" WEST ALONG THE SOUTH LINE OF SAID LOT D, 177.16 FEET TO THE SOUTHEAST RIGHT-OF-WAY LINE OF MELALEUCA LANE; THENCE NORTH 45°09'15" EAST ALONG SAID RIGHT-OF-WAY LINE, 131.86 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE BEING AN ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 791.00 FEET, A CENTRAL ANGLE OF 34°00'23", AND AN ARC DISTANCE OF 469.48 FEET TO THE EAST LINE OF SAID LOT B, BLOCK 67; THENCE SOUTH 01°25'03" WEST ALONG THE EAST LINE OF SAID LOTS B, C, D, AND E, BLOCK 67, A DISTANCE OF 464.07 FEET TO THE POINT OF BEGINNING.

BEING PORTIONS OF LOTS B, C, D, AND E, BLOCK 66, PALM BEACH FARMS CO. PLAT NO. 7, AS RECORDED IN PLAT BOOK 5, PAGE 72, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST; THENCE SOUTH 01°24'23" WEST (STATE PLANE GRID BEARING DATUM) ALONG THE EAST LINE OF SECTION 30, A DISTANCE OF 129.00 FEET; THENCE NORTH 87°50'45" WEST, 332.40 FEET TO THE EAST LINE OF LOT A, SAID BLOCK 66; THENCE SOUTH 01°24'43" WEST ALONG SAID EAST LINE 66.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°24'43 WEST, 246.52 FEET TO THE NORTH LINE OF THE SOUTH 102.29 FEET OF LOT D, BLOCK 66; THENCE NORTH 87°48'23" WEST ALONG SAID NORTH LINE, 50.00 FEET; THENCE SOUTH 01°24'43" WEST ALONG THE WEST LINE OF THE EAST 50 FEET OF LOT D, BLOCK 66, A DISTANCE OF 102.25 FEET TO THE SOUTH LINE OF LOT D; THENCE NORTH 87°47'34" WEST ALONG SAID LINE, 117.62 FEET; THENCE SOUTH 01°25'03" WEST ALONG THE EAST LINE OF THE WEST 150 FEET OF LOT E, BLOCK 66, A DISTANCE OF 135.91 FEET TO THE SOUTH LINE OF LOT E; THENCE NORTH 87°46'46" WEST ALONG THE SOUTH LINE OF LOT E, BLOCK 66, A DISTANCE OF 150.01 FEET TO THE SOUTHWEST CORNER OF LOT E, BLOCK 66; THENCE NORTH 01°25'03" EAST ALONG SAID LINE 470.41 FEET TO A POINT ON THE SOUTHEAST RIGHT-OF-WAY LINE OF MELALEUCA LANE BEING A NON-TANGENT CURVE THROUGH WHICH A RADIAL LINE BEARS SOUTH 08°37'28" EAST; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE, BEING AN ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 791.00 FEET, A CENTRAL ANGLE OF 10°46'44", AND AN ARC DISTANCE OF 148.81 FEET TO A POINT OF TANGENCY; THENCE SOUTH 87°50'45" EAST ALONG SAID RIGHT-OF-WAY, 169.49 FEET TO THE POINT OF BEGINNING.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office
on 10/22/98
DATED at West Palm Beach, FL on 11/6/98.
DOROTHY H. WILKEN, Clerk
By: Phyllis A House D.C.

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FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (904)-488-8427 or Suncom 278-8427.

COUNTY: (Palm Beach) COUNTY ORDINANCE # (98-54)
(e.g., 87)

PRIMARY KEYFIELD DESCRIPTOR: (Comprehensive Planning)

SECONDARY KEYFIELD DESCRIPTOR: (Land Use Planning)

OTHER KEYFIELD DESCRIPTOR: (_____)

ORDINANCE DESCRIPTION: (Land Use MAP Amendment)
(25 characters maximum including spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by the this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: (89-17); AMENDMENT # 2: (_____).

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL # 1: (_____); REPEAL # 3: (_____);
REPEAL # 2: (_____); REPEAL # 4: (_____);

(Others repealed: list all that apply): _____

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: (__)

KEYFIELD 1 CODE: (_____) KEYFIELD 2 CODE: (_____)

KEYFIELD 3 CODE: (_____) Rev. 8/28/98